

1 BILL NO. R-81- 11-68

2 RESOLUTION NO. R-

95-81

3 A RESOLUTION FINDING, DETERMINING  
4 AND RATIFYING AN INDUCEMENT RESOLUTION  
5 OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION  
6 AUTHORIZING THE ISSUANCE AND SALE OF  
7 \$800,000.00 ECONOMIC REVENUE BONDS OF THE  
8 CITY OF FORT WAYNE, INDIANA,  
9 FOR THE PURPOSE OF INDUCING THE APPLICANT,  
10 HMS, INC.  
11 TO PROCEED WITH THE ACQUISITION,  
12 CONSTRUCTION AND EQUIPPING OF THE PROJECT.

13 WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer")  
14 is authorized by I.C. §36-7-12 (the "Act") to issue revenue  
15 bonds for the financing of economic development facilities,  
16 the funds from said financing to be used for the acquisition,  
17 construction and equipping of said facilities, and said faci-  
18 lities to be either sold or leased to another person or dir-  
19 ectly owned by another person; and

20 WHEREAS, HMS, Inc. (the "Applicant") has advised the Fort  
21 Wayne Economic Development Commission and the Issuer that it  
22 proposes that the Issuer lease the same to the Applicant or  
23 loan proceeds of an economic development financing to the  
24 Applicant for the same, said economic development facility to  
25 be a mini self-storage facility located on a 4.3 acre tract at  
26 5020 Bluffton Road, inside the city limits of Fort Wayne,  
27 Indiana, including sixteen buildings, improvements, equipment,  
28 and costs of issue (the "Project"); and

29 WHEREAS, the diversification of industry and an increase  
30 of approximately five jobs immediately and ten jobs within three  
31 years in job opportunities to be achieved by the acquisition,  
32 construction and equipping of the Project will be of public bene-  
fit to the health, safety and general welfare of the Issuer and  
its citizens; and

33 WHEREAS, having received the advice of the Fort Wayne  
Economic Development Commission, it would appear that the

1 financing of the Project would be of public benefit to the  
2 health, safety and general welfare of the Issuer and its  
3 citizens; and

4 WHEREAS, the acquisition and construction of the facility  
5 will not have an adverse effect on any similar facility al-  
6 ready constructed or operating in or about Fort Wayne,  
7 Indiana.

8 NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF  
9 THE CITY OF FORT WAYNE, INDIANA:

10 SECTION 1. The Common Council finds, determines, rati-  
11 fies and confirms the promotion of diversification of econ-  
12 omic development and job opportunities in and near Fort  
13 Wayne, Indiana and in Allen County, is desirable to pre-  
14 serve the health, safety and general welfare of the citi-  
15 zens of the Issuer; and that it is in the public interest  
16 that Fort Wayne Economic Development Commission and said  
17 Issuer take such action as it lawfully may to encourage  
18 diversification of industry and promotion of job oppor-  
19 tunities in and near said Issuer.

20 SECTION 2. The Common Council further finds, determines,  
21 ratifies and confirms that the issuance and sale of revenue  
22 bonds in an amount not to exceed \$800,000.00 of the Issuer  
23 under the Act for the acquisition, construction and equipping  
24 of the Project and the sale or leasing of such a financing  
25 to the Applicant for such purposes will serve the public  
26 purpose referred to above, in accordance with the Act.


27 SECTION 3. In order to induce the Applicant to proceed  
28 with the acquisition, construction and equipping of the Pro-  
29 ject, the Common Council hereby finds, determines, ratifies  
30 and confirms that (i) it will take or cause to be taken such  
31 actions pursuant to the Act as may be required to implement  
32 the aforesaid financing, or as it may deem appropriate in

1 pursuance thereof, provided that all of the foregoing shall  
2 be mutually acceptable to the Issuer and the Applicant; and  
3 (ii) it will adopt such ordinances and resolutions and auth-  
4 orize the execution and delivery of such instruments and the  
5 taking of such action as may be necessary and advisable for  
6 the authorization, issuance and sale of said economic develop-  
7 ment bonds.

8 SECTION 4. All costs of the Project incurred after the  
9 passage of this Inducement Resolution, including reimburse-  
10 ment or repayment of the Applicant of monies expended by the  
11 Applicant for planning, engineering, interest paid during  
12 construction, underwriting expenses, attorney and bond counsel  
13 fees, acquisition, construction and equipping of the Project  
14 will be permitted to be included as part of the bond issue  
15 to finance said Project, and the Issuer will thereafter either  
16 sell or lease the same to the Applicant or loan the proceeds  
17 of such financing to the Applicant for the same purposes.

18   
19 Vivian L. Schmidt  
20 COUNCILMAN

21 APPROVED AS TO FORM AND  
22 LEGALITY.

23   
24 John J. Wernet, Attorney for the  
25 Economic Development Commission  
26 Dated this 19 day of November, 1981.

Read the first time in full and on motion by V. Schmidt, seconded by Spencer, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 11-24-81

Charles W. Westerman  
CHARLES W. WESTERMAN  
CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by B. Stier, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 12-8-81

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. B-95-81 on the 8th day of December, 1981.

ATTEST:

(SEAL)

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

John Nuckols  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 9th day of Dec. 1981, at the hour of 4 o'clock P. M., E.S.T.

Winfield C. Moses, Jr.  
WINFIELD C. MOSES, JR.  
MAYOR

BILL NO. R-81-11-68

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON Finance TO WHOM WAS REFERRED AN  
ORDINANCE A RESOLUTION FINDING, DETERMINING AND RATIFYING

AN INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT

COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF \$800,000.00

ECONOMIC REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR

THE PURPOSE OF INDUCING THE APPLICANT, HMS, INC. TO PROCEED

WITH THE ACQUISITION CONSTRUCTION AND EQUIPPING OF THE PROJECT

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

VIVIAN G. SCHMIDT, CHAIRMAN

Vivian G. Schmidt

JAMES S. STIER, VICE CHAIRMAN

James S. Stier

MARK E. GIAQUINTA

Mark E. GiaQuinta

PAUL M. BURNS

Paul M. Burns

ROY J. SCHOMBURG

APPLICATION TO FORT WAYNE, INDIANA  
ECONOMIC DEVELOPMENT COMMISSION,  
FOR ECONOMIC DEVELOPMENT  
REVENUE BOND FINANCING

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(1) Applicant's name

HMS, Inc.

(2) Address of Applicant's Principal Office and Place of Business.

716 South Barr Street  
Fort Wayne, Indiana 46802

(3) Type of organization under which the Applicant does business  
(e.g. corporation, partnership, sole proprietorship, joint venture).

Corporation

(4) Under the laws of what State is the Applicant organized?

Indiana

(5) Business or business in which applicant is engaged?

Operation of mini self-storage facilities.

(6) Is the applicant qualified to do business in Indiana?

Yes

(7) Please list names and titles of principal operating personnel.

Harold M. Smith, President

(8) Please list names of all persons or firms having an ownership interest of 10% or more in the applicant.

Harold M. Smith  
Berenice A. Smith  
Mark C. Smith  
Cynthia B. Smith

(9) Please list names of any persons who are both (a) shareholders or holders of any debt obligation of the applicant; and (b) officers or members of the Economic Development Commission; or members of the Common Council of the City; or members of the Allen County Council.

None

(10) Has any person listed been (a) convicted of a felony, (b) convicted of or enjoined from any violation of state or federal securities laws, or (c) a part to any consent order or entry with respect to an alleged state or federal securities law violation, in each case within ten years preceding the date of this application?

(a) No  
(b) No  
(c) No

(11) What is applicant's net worth as of the end of the calendar or fiscal year quarter next preceding the date of the application?

Negative \$38,600 due to start-up operating losses and deduction for depreciation. HMS, Inc., does have a positive cash flow position.

(12) How long has applicant been in business (a) under its present name, and (b) under any prior names? Please supply, if applicable.

(a) Three years

(b) N/A

(13) What is the proposed amount of the bond issue?

\$800,000.00

(14) How are the proceeds of the issue to be used? (Itemize by category of expenditure)

Step 1 \$525,000 to cover land, building, and other improvements

Step 2 \$275,000 same as above

(15) If the proceeds of the issue are not estimated to be sufficient to acquire, construct and/or remodel, and equip the proposed project, itemize the additional expenditures which will be necessary and indicate the source of such funds.

Step 1 \$300,000 additional expenditures

Step 2 \$200,000 additional expenditures

Sources Step #1 and #2 from present stockholders

(16) Where is the proposed project to be located? (Give street address and legal description as it appears on auditor's records).

5020 Bluffton Road  
Fort Wayne, IN 46809

(See attached legal description)



(17) Describe facilities to be constructed. (Provide architect's rendering if available).

Step 1 - Ten buildings as per architect's drawing attached. All buildings one floor 4/10 pitch roof with shingles. Front building cast in color fluted block, balance building cast in color matching block.

Step 2 - Six buildings cast in color matching block same as step 1 buildings

All driveways to be asphalt 25' to 30' wide. Seven foot chain link fence enclosing entire project. High pressure sodium lights throughout exterior of facility.

(18) Is the project solely within the city limits of Fort Wayne? (If not, give the name of the township and/or other municipality in which it is located).

Yes

(19) Is the property solely within the Fort Wayne Community School District? (If not, state the name of the School District in which it is located).

Yes

(20) What is the approximate size of the tract or parcel on which the property is to be situated?

4.3 acres

(21) If the proposed project or a portion thereof is to be leased to another entity or entities, name the entity or entities and describe the portion to be leased. If no lease is contemplated, please indicate.

No lease is contemplated.

location? (22) What is the nature of the business to be conducted at this

Mini self-storage facility

(23) Does existing zoning clearly permit construction and operation of the proposed project?

(a) - What is the existing zone?

M-1

(b) - What zone does project require?

M-1

(24) Will the proposed project have ready access to (a) water, and (b) sewers? If not, state how it is intended to obtain access to those utilities.

(a) Yes  
(b) Yes

(25) Are septic tank or other temporary sewage treatment and disposal facilities to be used in lieu of sewers?

No

(26) Describe briefly any adverse environmental impact anticipated by reason of operation of the proposed project, with particular reference to air, noise or water pollution.

None

(27) If the project is constructed, will any existing jobs be lost by reason of reduction or cessation of operations (a) in the City, (b) in Allen County, or (c) elsewhere in the State of Indiana?

- (a) No
- (b) No
- (c) No

(28) Describe briefly by category the nature of the new jobs to be created.

- (a) Management team - two people
- (b) Assistant manager
- (c) Regional manager
- (d) Office person

(29) State the number of new jobs to be created (a) immediately after the proposed facilities are placed into operation, and (b) within three years thereafter.

- (a) Five
- (b) Ten

(30) What additional annual payroll will the new jobs generate (a) immediately after the proposed facilities are placed into operation, and (b) within three years thereafter.

- (a) \$35,000
- (b) \$65,000

(31) If the proposed project would not be approved for tax-exempt financing, is there any substantial possibility that loss of existing jobs would occur in (a) the City, (b) the County, or (c) the State of Indiana? If the answer to either (a), (b) or (c) is affirmative, what would be the approximate number of jobs lost and the approximate net annual dollar amount of payroll loss?

Probably Not

(32) Has the proposed project been informally reviewed by bond counsel to determine whether it is in accordance with the applicable state and federal law? If so, by what firm of bond counsel?

Yes, Ice Miller Donadio & Ryan

(33) Have tentative or final arrangements been made for sale of the bonds? Describe briefly any such arrangements.

Yes. See attached letter from Indiana Bank & Trust Co.

(34) Describe briefly the proposed method of financing. (Direct, loan, lease, sale, etc.)

Loan

HMS, INC.

Name of Applicant

BY:

Harry M. Smith

Its: President

Dated this 4th day of November, 1981.

State name, address and phone number of person to be contacted and given notice about this applicant:

James M. Prickett  
Barrett, Barrett & McNagny  
Third Floor Lincoln Bank Tower  
P. O. Box 2263  
Fort Wayne, IN 46801  
Telephone: 219/423-9551

NOTE: The applicant should either attach a firm letter of commitment from a Bank or other financial institutions to purchase the proposed bond issue, or should attach hereto copies of its financial statements (and those of any proposed guarantor, if any), preferably audited, for the three calendar years preceding the date of this application. If the obligations of the applicant and/or payment of principal of any interest on the bonds are to be guaranteed by an entity other than the applicant, please supply answers to questions 1 through 7 inclusive, with respect to the proposed guarantor.

**FORWARD APPLICATION TO:**

Debbie Jo Shell  
EDC Coordinator  
City-County Building  
Room 800  
One Main Street  
Fort Wayne, Indiana 46802  
(219) 423-7995

**COUNSEL FOR THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION:**

John Wernet  
200 Metro Building  
202 W. Berry Street  
Fort Wayne, Indiana 46802  
Telephone: (219) 423-3595

**MEMBERS OF THE ECONOMIC DEVELOPMENT COMMISSION:**

Sidney R. Sheray  
Timothy S. Borne  
Charles M. Henry  
Phillip A. Howard  
Stanley Lipp

Property is located in the County of Allen, State of Indiana, and identified or described as follows:

Part of Lot #1, together with part of Lot #8 in Archange Godfrey's Subdivision of Richardville Reserve situated on the West side of the St. Mary's River in Township 30 North, Range 12 East, Allen County, Indiana, as recorded in Deed Record 52, pages 54-55, in the Office of the Recorder of Allen County, Indiana, all being more particularly described as follows, to-wit: Commencing at the North corner of said Lot #8; thence South 25 degrees 30 minutes West, on and along the North-westerly line of said Lot #8, a distance of 709.2 feet to a survey pin found; thence North 88 degrees 03 minutes East, a distance of 320.4 feet to the true point of beginning; thence North 88 degrees 03 minutes East, a distance of 495.0 feet to a point situated 150.0 feet, South 88 degrees 03 minutes West from a survey pin found on the Westerly right-of-way line of Bluffton Road; thence North 09 degrees 04 minutes West and parallel to said Westerly right-of-way line, a distance of 160.0 feet; thence North 88 degrees 03 minutes East, a distance of 150.0 feet to said Westerly right-of-way line; thence North 09 degrees 04 minutes West, on and along said Westerly right-of-way line, being 50.0 feet (measured at right angles) Westerly of and parallel to said Bluffton Road centerline, a distance of 170.0 feet; thence South 88 degrees 03 minutes West, a distance of 645.0 feet; thence South 09 degrees 04 minutes East and parallel to said Westerly right-of-way line, a distance of 330.0 feet to the true point of beginning, containing 4.302 acres of land, more or less, (hereinafter "Described Real Estate").



P.O. Box 1204  
915 South Clinton

Fort Wayne, Indiana 46802

Member FDIC

November 4, 1981

Harold M. Smith  
President  
HMS, Inc.  
716 S. Barr  
Fort Wayne, Indiana 46802

Dear Harry:

We have received the application regarding your request for funding of up to \$800,000 of Economic Development Bonds. The bonds are to be utilized for the construction of a mini-warehouse complex located in Fort Wayne, Indiana.

From a credit standpoint, I can assure you of Indiana Bank & Trust Company's willingness to approve this request subject to your personal endorsement of the project. The rate of interest and term of the issue remains to be negotiated however. Due to our bank's present policy regarding purchase of tax free investments, we cannot currently predict the rate of interest that will be required to consummate purchase of this issue during 1982.

I shall look forward to continuing negotiations with you regarding the purchase of these bonds when your cash flow projections as well as plans and specifications are completed.

Sincerely,

INDIANA BANK AND TRUST COMPANY

A handwritten signature in cursive script that reads "Glenn A. Borden".

Glenn A. Borden  
Vice President

INDUCEMENT RESOLUTION OF  
FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION  
ON APPLICATION OF  
HMS, INC.

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WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by Indiana Code §36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to the user or developer; and

WHEREAS, HMS, Inc. (the "Applicant"), has advised the Fort Wayne Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a mini self-storage facility located on a 4.3 acre tract at 5020 Bluffton Road, inside the city limits of Fort Wayne, Indiana, including sixteen buildings, improvements, equipment, and costs of issue (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities to be achieved by the acquisition of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens or the citizens of Allen County, Indiana; and



WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in Allen County, Indiana.

NOW, THEREFORE, BE IT RESOLVED by the Commission as follows:

1. The Commission hereby finds and determines that the promotion of diversification of economic development and job opportunities in Fort Wayne, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer, and that it is in the public interest that the Commission and the Issuer take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.

2. The Commission hereby finds and determines that the issuance and sale of economic development revenue bonds in an amount of approximately \$800,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant, will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Commission hereby finds and determines that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds.

4. All costs of the Project which may be financed under the Act will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will sell or lease

the same to the Applicant or loan the proceeds from the sale of the bonds to the Applicant for the same purposes.

5. This Resolution shall expire 180 days after the date of its adoption unless the Applicant either requests the Commission to adopt a final resolution approving closing documents or requests an extension from the Commission, which extension shall be granted upon good cause being shown.

ADOPTED this 19 day of November, 1981.


FORT WAYNE ECONOMIC DEVELOPMENT  
COMMISSION



Sidney R. Sheray



Timothy Burke



Charles M. Henry



Phil A. Howard



Stan Lipp



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

9 November 1981

Ms. Debbie Shell, E.D.C. Coordinator  
Department of Economic Development  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Re: Mini self-storage facility -  
5020 Bluffton Road.

Dear Debbie:

The property described in the legal description attached to the E.D.C. Application is zoned "M-1" Light Industrial. The "M-1" zone permits a Mini Self-Storage Center.

The property on which this project is located is part of a larger parcel rezoned by the City Plan Commission subject to access and use restrictions (Copy of Covenant is Attached).

This department presently has a mini self-storage facility, for which Improvement Location Permits released, located at 4820 Bluffton Road. The 4820 Bluffton Road location is approximately 470' north of the project proposed in this application.

Sincerely,

  
Gary F. Baeten  
Senior Planner

GFB:pb



# The City of Fort Wayne

November 12, 1981

Mr. Bruce Boxberger  
City Attorney  
City-County Building  
Fort Wayne, Indiana

RE: EDC Application for HMS, Inc.

Dear Bruce:

I have reviewed the application and the bank commitment letter regarding this applicant.

Since this applicant states that it has a negative net worth at this time; and since the bank commitment letter is extremely tentative, I would recommend that the Commission use extra effort in requesting financial pro forma information before making a final determination on the inducement resolution. It would seem appropriate to request a clearer statement from Indiana Bank after the projected financial position has been provided.

Should you require further comment or information please contact me.

Sincerely,

Frank W. Heyman  
City Controller

DIGEST SHEET

Q-81-11-68

TITLE OF ORDINANCE Inducement Resolution for an issue of \$800,000.00DEPARTMENT REQUESTING ORDINANCE Economic Development Commission

SYNOPSIS OF ORDINANCE A 4.3 acre site located at 5020 Bluffton Road,  
inside the city limits of Fort Wayne, Indiana, including land,  
16 buildings, improvements, equipment, and costs of issue, on  
application of HMS, Inc.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

EFFECT OF PASSAGE Purchase of land, buildings, improvements and  
equipment, creating 5 jobs immediately and 10 jobs within three years  
at an annual payroll of \$65,000.00 per year.

EFFECT OF NON-PASSAGE None of the above.MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) None.

ASSIGNED TO COMMITTEE (PRESIDENT) \_\_\_\_\_